



January 12, 2016

Mr. Tracy Stoddard
Director, Origination
Algonquin Power Company
354 Davis Road
Oakville, Ontario
Canada L6J 2X1

Re: Applicability of the Trade Agreements Clause 52.225-5 to Contract No. GS-00P-15-BSD-1148 with Great Bay Solar

Dear Mr. Stoddard:

This letter responds to your inquiry regarding the applicability of the subject Federal Acquisition Regulation (FAR) clause to the Great Bay solar contract. After reviewing the requirements for FAR Clause 52.225-5, GSA has determined that the FAR clause does not apply. GSA's reasoning for this is found in the FAR at Subpart 25.401 Exceptions at 25.401(a)(1) and in the 25.401(b)(8).

The original solicitation for this contract, Solicitation No. GS-00P-14-BSD-1016, was set aside for small businesses. Subpart 25.401(a)(1) exempts acquisitions set aside for small businesses from Subpart 25.4 – Trade Agreements. GSA further notes that the exception found in Subpart 25.401(b)(8) exempting acquisitions of utility services from World Trade Organization Government Procurement Agreements (WTO GPA) or Free Trade Agreements applies to this solicitation and resulting contract since it is classified as a utility service acquisition.

We look forward to continuing to work with your firm on this contract. Should you need any additional information, please contact me at (202) 329-1826 or via e-mail at ken.shutika@gsa.gov or Tom Chiles at (202) 379-8586 or thomas.chiles@gsa.gov.

Sincerely,

(b) (6)

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Kenneth M. Shutika
Contracting Officer
GSA, Energy Division (PMAA)